

MICHIGAN 9-1-1 LAWS
Compiled From the Following Public Acts
Public Acts 78, 79, 80 & 81 of 1999
Public Act 32 of 1986
Public Act 36 of 1989
Public Act 196 of 1991
Public Act 29 of 1994
Public Act 247 of 1995
CHAPTER I

484.1101. Short title

Sec. 101. This act shall be known and may be cited as the "emergency telephone service enabling act".

484.1102. Definitions

Sec. 102. As used in this act:

(a) "Automatic location identification" or "ALI" means a 9-1-1 service feature provided by the service supplier that automatically provides the name and service address or, for a CMRS service supplier, the location associated with the calling party's telephone number as identified by automatic number identification to a 9-1-1 public safety answering point.

(b) "Automatic number identification" or "ANI" means a 9-1-1 service feature provided by the service supplier that automatically provides the calling party's billing telephone number to a 9-1-1 public safety answering point.

(c) "Commercial mobile radio service" or "CMRS" means commercial mobile radio service regulated under section 3 of title I and section 332 of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 153 and 332, and the rules of the federal communications commission or provided pursuant to the wireless emergency service order. Commercial mobile radio service or CMRS includes all of the following:

(i) A wireless 2-way communication device, including a radio telephone used in cellular telephone service or personal communication service.

(ii) A functional equivalent of a radio telephone communications line used in cellular telephone service or personal communication service.

(iii) A network radio access line.

(d) "CMRS connection" means each number assigned to a CMRS customer.

(e) "Consolidated dispatch" means a countywide or regional emergency dispatch service that provides dispatch service for 75% or more of the law enforcement, fire fighting, emergency medical service, and other emergency service agencies within the geographical area of a 9-1-1 service district or serves 75% or more of the population within a 9-1-1 service district.

(f) "Database service provider" means a service supplier who maintains and supplies or contracts to maintain and supply an ALI database or a MSAG.

(g) "Direct dispatch method" means that the agency receiving the 9-1-1 call at the public safety answering point decides on the proper action to be taken and dispatches the appropriate available public safety service unit located closest to the request for public safety service.

(h) "Emergency response service" or "ERS" means a public or private agency that responds to events or situations that are dangerous or that are considered by a member of the public to threaten the public safety. An emergency response service includes a police or fire department, an ambulance service, or any other public or private entity trained and able to alleviate a dangerous or threatening situation.

(i) "Emergency service zone" or "ESZ" means the designation assigned by a county to each street name and address range that identifies which emergency response service is responsible for responding to an exchange access facility's premises.

(j) "Emergency telephone charge" means emergency telephone operational charge and emergency telephone technical charge.

(k) "Emergency telephone district" or "9-1-1 service district" means the area in which 9-1-1 service is provided or is planned to be provided to service users under a 9-1-1 system implemented under this act.

(l) "Emergency telephone district board" means the governing body created by the board of commissioners of the county or counties with authority over an emergency telephone district .

(m) "Emergency telephone operational charge" means a charge for nonnetwork technical equipment and other costs directly related to the dispatch facility and the operation of 1 or more PSAPs including, but not limited to, the costs of dispatch personnel and radio equipment necessary to provide 2-way communication between PSAPs and a public safety agency. Emergency telephone operational charge does not include non-PSAP related costs such as response vehicles and other personnel.

(n) "Emergency telephone technical charge" means a charge for the network start-up costs, customer notification costs, billing costs including an allowance for uncollectibles for technical and operational charges, and network nonrecurring and recurring installation, maintenance, service, and equipment charges of a service supplier providing 9-1-1 service under this act.

(o) "Exchange access facility" means the access from a particular service user's premises to the telephone system. Exchange access facilities include service supplier provided access lines, PBX trunks, and centrex line trunk equivalents, all as defined by tariffs of the service suppliers as approved by the public service commission. Exchange access facilities do not include telephone pay station lines or WATS, FX, or incoming only lines.

(p) "Final 9-1-1 service plan" means a tentative 9-1-1 service plan that has been modified only to reflect necessary changes resulting from any exclusions of public agencies from the 9-1-1 service district of the tentative 9-1-1 service plan under section 306 and any failure of public safety agencies to be designated as PSAPs or secondary PSAPs under section 307.

(q) "Master street address guide" or "MSAG" means a perpetual database that contains information continuously provided by a service district that defines the geographic area of the service district and includes an alphabetical list of street names, the range of address numbers on each street, the names of each community in the service district, the emergency service zone of each service user, and the primary service answering point identification codes.

(r) "Obligations" means bonds, notes, installment purchase contracts, or lease purchase agreements to be issued by a public agency under a law of this state.

(s) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(t) "Primary public safety answering point", "PSAP", or "primary PSAP" means a communications facility operated or answered on a 24-hour basis assigned responsibility by a public agency or county to receive 9-1-1 calls and to dispatch public safety response services, as appropriate, by the direct dispatch method, relay method, or transfer method. It is the first point of reception by a public safety agency of a 9-1-1 call and serves the jurisdictions in which it is located and other participating jurisdictions, if any.

(u) "Prime rate" means the average predominant prime rate quoted by not less than 3 commercial financial institutions as determined by the department of treasury.

(v) "Private safety entity" means a nongovernmental organization that provides emergency fire, ambulance, or medical services.

(w) "Public agency" means a village, township, charter township, or city within the state and any special purpose district located in whole or in part within the state.

(x) "Public safety agency" means a functional division of a public agency, county, or the state that provides fire fighting, law enforcement, ambulance, medical, or other emergency services.

(y) "Qualified obligations" means obligations that meet 1 or more of the following:

(i) The proceeds of the obligations benefit the 9-1-1 district, and for which all of the following conditions are met:

(A) The proceeds of the obligations are used for capital expenditures, costs of a reserve fund securing the obligations, and costs of issuing the obligations. The proceeds of obligations shall not be used for operational expenses.

(B) The weighted average maturity of the obligations does not exceed the useful life of the capital assets.

(C) The obligations shall not in whole or in part appreciate in principal amount or be sold at a discount of more than 10%.

(ii) The obligations are issued to refund obligations that meet the conditions described in subparagraph (i) and the net present value of the principal and interest to be paid on the refunding obligations, excluding the cost of issuance, will be less than the net present value of the principal and interest to be paid on the obligations being refunded, as calculated using a method approved by the department of treasury.

- (z) "Relay method" means that a PSAP notes pertinent information and relays it by telephone, radio, or private line to the appropriate public safety agency or other provider of emergency services that has an available emergency service unit located closest to the request for emergency service for dispatch of an emergency service unit.
- (aa) "Secondary public safety answering point" or "secondary PSAP" means a communications facility of a public safety agency or private safety entity that receives 9-1-1 calls by the transfer method only and generally serves as a centralized location for a particular type of emergency call.
- (bb) "Service supplier" means a person providing a telephone service or a CMRS to a service user in this state.
- (cc) "Service user" means an exchange access facility or CMRS service customer of a service supplier within a 9-1-1 system.
- (dd) "Tariff" means the approved by the public service commission for 9-1-1 service provided by a particular service supplier. Tariff does not include a rate of a commercial mobile radio service by a particular supplier.
- (ee) "Tentative 9-1-1 service plan" means a plan prepared by 1 or more counties for implementing a 9-1-1 system in a specified 9-1-1 service district.
- (ff) "Transfer method" means that a PSAP transfers the 9-1-1 call directly to the appropriate public safety agency or other provider of emergency service that has an available emergency service unit located closest to the request for emergency service for dispatch of an emergency service unit.
- (gg) "Universal emergency number service" or "9-1-1 service" means public telephone service that provides service users with the ability to reach a public safety answering point by dialing the digits "9-1-1".
- (hh) "Universal emergency number service system" or "9-1-1 system" means a system for providing 9-1-1 service under this act.
- (ii) "Wireless emergency service order" means the order of the federal communications commission, FCC docket No. 94-102, adopted June 12, 1996 with an effective date of October 1, 1996.

CHAPTER II

484.1201. Implementation of universal emergency number service system

Sec. 201. Except as provided in sections 407 to 412, a universal emergency number service system shall not be implemented pursuant to this act unless a tariff exists for each service supplier designated by the final 9-1-1 service plan to provide 9-1-1 service in the universal emergency number system.

484.1201a. Universal emergency number service system; creation by a county or group of counties

Sec. 201a. A county or group of counties may create a universal emergency number service system under this act.

484.1201b. Universal emergency number service system; creation by four or more cities within certain counties, approval of county board of commissioners

Sec. 201b. With the approval of the county board of commissioners of a county that has a population of 2,000,000 or more, 4 or more cities within the county may create a universal emergency number service system under this act.

484.1202. Existing emergency services; technical modifications; cost

Sec. 202. A public agency which is excluded from a 9-1-1 service district in a 9-1-1 system implemented pursuant to this act, but which is operating an existing emergency telephone service at the time the 9-1-1 system is implemented, shall permit any technical modifications to its existing system which are necessary for compatibility with the 9-1-1 system. Any cost of the service supplier associated with such modifications shall not be the responsibility of the excluded public agency but shall be included as part of the costs collected from service users in the 9-1-1 service district pursuant to section 401.

484.1203. Emergency and nonemergency telephone numbers

Sec. 203. The digits 9-1-1 shall be the primary emergency telephone number within every 9-1-1 system established pursuant to this act. A public safety agency whose services are available through a 9-1-1 system implemented pursuant to this act may maintain a separate secondary backup number for emergencies, and shall maintain a separate number for nonemergency telephone calls.

484.1204. Design requirements

Sec. 204. (1) A 9-1-1 system implemented pursuant to this act shall be designed to meet the individual circumstances of each county and the public agencies participating in the

9-1-1 system, and shall be within the service limitations of service suppliers providing the 9-1-1 service in the 9-1-1 system. System designs shall include provision for expansion of the system to include capabilities not required in initial implementation, including the addition of PSAPs and secondary PSAPs. (2) Every 9-1-1 system shall be designed so that a 9-1-1 call is processed by means of either the direct dispatch method, the relay method, or the transfer method. At least 2 of the specified methods shall be available for use by the PSAP receiving the call. The PSAP may handle nonemergency calls by referring the caller to another number.

484.1205. Transmission of requests; services

Sec. 205. (1) A 9-1-1 system established pursuant to this act shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to 1 or more public safety agencies which provide the requested service to the place where the call originates.

(2) A 9-1-1 system shall process all 9-1-1 calls originating from telephones within an exchange any part of which is within the emergency telephone district served by the system. This requirement does not apply to any part of an exchange not located within the county or counties that established the 9-1-1 system if that part has been included in an implemented

9-1-1 system for the county within which that part is located.

(3) A 9-1-1 system may provide for transmittal of requests for other emergency services, such as poison control, suicide prevention, and civil defense. Conferencing capability with counseling, aid to handicapped, and other services as considered necessary for emergency response determination may be provided by the 9-1-1 system.

484.1206. Private safety entities; emergency response requests

Sec. 206. A PSAP may transmit emergency response requests to private safety entities under a 9-1-1 system.

484.1207. Automatic intrusion alarms and alerting devices; prohibition

Sec. 207. The installation of automatic intrusion alarms and other automatic alerting devices which cause the number 9-1-1 to be dialed shall be prohibited in a 9-1-1 system.

CHAPTER III

484.1301. Emergency telephone district, establishment; modification of existing service; emergency telephone district board, creation, delegation of certain powers; multiple districts, operational funds

Sec. 301. (1) The board of commissioners of a county may establish an emergency telephone district within all or part of the county and may cause 9-1-1 service to be implemented within such emergency telephone district pursuant to this act.

(2) The board of commissioners of a county all or part of which is operating an existing emergency telephone service may modify the existing emergency telephone service or may alter the scope or method of financing of 9-1-1 service within all or part of the county by establishing an emergency telephone district and causing 9-1-1 service to be implemented within such emergency telephone district pursuant to this act.

(3) The board of commissioners of a county may create an emergency telephone district board and delegate certain powers to the board.

(4) If the board of commissioners of a county has created multiple emergency telephone districts prior to the effective date of this subsection, the emergency telephone districts created shall receive all operational funds collected by the service supplier of the district and operate the systems as provided by this act.

484.1302. Multi-county emergency telephone district; establishment

Sec. 302. Two or more county boards of commissioners may jointly establish an emergency telephone district within all or part of the counties and may cause 9-1-1 service to be implemented within such emergency telephone district pursuant to this act. If 2 or more county boards of commissioners wish to jointly establish an emergency telephone district pursuant to this act, then all actions required or permitted to be taken by a county or its officials pursuant to this act shall be taken by each county or the officials of each county, and all notices required or permitted to be given to a county or its officials pursuant to this act shall be given to each county or the officials of each county.

484.1303. Tentative 9-1-1 service plan; adoption by resolution, contents; payment of installation and recurring charges

Sec. 303. (1) To establish an emergency telephone district and to cause 9-1-1 service to be implemented within that emergency telephone district, the board of commissioners of a county shall first adopt a tentative 9-1-1 service plan by resolution.

(2) A tentative 9-1-1 service plan shall comply with chapter II and shall address at a minimum all of the following:

(a) Technical considerations of the service supplier, including but not limited to, system equipment for facilities to be used in providing emergency telephone service.

(b) Operational considerations, including but not limited to, the designation of PSAPs and secondary PSAPs, the manner in which 9-1-1 calls will be processed, the dispatch functions to be performed, plans for documenting closest public safety service unit dispatching requirements, the dispatch of Michigan state police personnel, and identifying information systems to be utilized.

(c) Managerial considerations including the organizational form and agreements that would control technical, operational, and fiscal aspects of the emergency telephone service.

(d) Fiscal considerations including projected nonrecurring and recurring costs with a financial plan for implementing and operating the system.

(3) The tentative 9-1-1 service plan shall require each public agency operating a PSAP under the 9-1-1 system to pay directly for all installation and recurring charges for terminal equipment, including customer premises equipment, associated with the public agency's PSAP, and may require each public agency operating a PSAP under the 9-1-1 system to pay directly to the service supplier all installation and recurring charges for all 9-1-1 exchange and tie lines associated with the public agency's PSAP.

484.1304. Adopting resolution; time, date and place of public hearing on final service plan

Sec. 304. A resolution adopting a tentative 9-1-1 service plan pursuant to section 303 shall specify a time, date, and place for the public hearing to be held on the final

9-1-1 service plan pursuant to section 309, which date shall be not less than 90 days after the date of the adoption of the resolution authorized by this section.

484.1305. Notice of service plan to public agencies within district

Sec. 305. Within 5 days after the adoption of a resolution authorized in section 303, the county clerk shall forward a copy of such resolution, together with a copy of the tentative 9-1-1 service plan, by certified mail, return receipt requested, to the clerk or other appropriate official of each public agency located within the 9-1-1 district of the tentative 9-1-1 service plan.

484.1306. Exclusion of agencies from service district

Sec. 306. (1) Unless a public agency files with the county clerk a notice of exclusion from 9-1-1 service district pursuant to this section within 45 days after receipt of a copy of the resolution and a copy of the tentative 9-1-1 service plan adopted pursuant to section 303, the entire jurisdiction of the public agency or, if less than the entire jurisdiction of the public agency is included within the 9-1-1 service district of the tentative 9-1-1 service plan, then such portion of the jurisdiction of the public agency included within the 9-1-1 service district of the tentative 9-1-1 service plan shall be included within the 9-1-1 district of the final 9-1-1 service plan. A public agency may exclude less than the entire portion of its jurisdiction included in the 9-1-1 service district of the tentative 9-1-1 service plan. Each public agency, all or part of which is included within the 9-1-1 service district of the final 9-1-1 service plan, shall assist the particular county in the preparation of the final 9-1-1 service plan.

(2) If the entire jurisdiction of a public agency is to be excluded from the 9-1-1 service district pursuant to subsection (1), then the notice of exclusion from 9-1-1 service district shall be in substantially the following form:

NOTICE OF EXCLUSION

FROM 9-1-1 SERVICE DISTRICT

Pursuant to section 306 of the emergency telephone service enabling act, the _____ of _____ hereby notifies the board of commissioners of the county of _____ that the _____ of _____ is excluded from the 9-1-1 service district established by the tentative 9-1-1 service plan adopted by the board of commissioners on _____, 19____.

(Clerk)

(Acknowledgment)

(3) If less than the entire jurisdiction of a public agency is to be excluded from the 9-1-1 service district pursuant to subsection (1), then the notice of exclusion from 9-1-1 service district shall be in substantially the following form:

NOTICE OF EXCLUSION

FROM 9-1-1 SERVICE DISTRICT

Pursuant to section 306 of the emergency telephone service enabling act, the _____ of _____ hereby notifies the board of commissioners of the county of _____ that the portion of the _____ of _____ described on the attached map is excluded from the 9-1-1 service district established by the tentative 9-1-1 service plan adopted by the board of commissioners on _____, 19____.

(Clerk)

(Acknowledgment)

(4) A notice of exclusion from 9-1-1 service district shall be signed by the clerk of the public agency or, if the public agency has no clerk, by any other appropriate official of the public agency.

484.1307. Designation of public safety answering points

Sec. 307. (1) Any public safety agency designated in the tentative 9-1-1 service plan to function as a PSAP or secondary PSAP shall be so designated under the final 9-1-1 service plan if the public safety agency files with the county clerk a notice of intent to function as a PSAP or secondary PSAP within 45 days after the public agency which the public safety agency has been designated to serve by the tentative 9-1-1 service plan receives a copy of the resolution and the tentative 9-1-1 service plan adopted pursuant to section 303. The notice of intent to function as a PSAP or secondary PSAP shall be in substantially the following form:

NOTICE OF INTENT TO FUNCTION
AS A PSAP OR SECONDARY PSAP

Pursuant to section 307 of the emergency telephone service enabling act, _____ shall function as a (check one) _____ PSAP _____ Secondary PSAP within the 9-1-1 service district of the tentative 9-1-1 service plan adopted by resolution of the board of commissioners for the county of _____, on _____, 19____.

(Acknowledgment)

(2) If a public safety agency designated as a PSAP or secondary PSAP in the tentative 9-1-1 service plan fails to file a notice of intent to function as a PSAP or secondary PSAP within the time period specified in subsection (1), the public safety agency shall not be designated as a PSAP or secondary PSAP in the final 9-1-1 service plan.

484.1308. Notice of hearing on final service plan

Sec. 308. The clerk of each county which has adopted a tentative 9-1-1 service plan pursuant to section 303 shall give notice by publication of the hearing on the final 9-1-1 service plan to be held pursuant to section 309. The notice shall be published twice in a newspaper of general circulation within the county, the first publication of the notice occurring at least 30 days prior to the date of the hearing. The notice shall state all of the following:

(a) The time, date, and place of the hearing.

(b) A description of the boundaries of the 9-1-1 service district of the final 9-1-1 service plan as determined at the expiration of the time for filing a notice of exclusion from 9-1-1 service district pursuant to section 306.

(c) That if the board of commissioners of the county, after a hearing, adopts the final 9-1-1 service plan pursuant to this act, an emergency telephone technical charge and, if an emergency telephone operational charge has been approved, an emergency telephone operational charge shall be collected on a uniform basis from all service users within the 9-1-1 service district.

484.1309. Hearing on final service plan

Sec. 309. The board of commissioners shall conduct a hearing on the final 9-1-1 service plan at the time, place, and date specified in the notice published pursuant to section 308. All persons attending the meeting shall be afforded a reasonable opportunity to be heard.

484.1310. Adoption of service plan

Sec. 310. After conducting the hearing on the final 9-1-1 service plan pursuant to this act, the board of commissioners of the affected county may adopt by resolution the final 9-1-1 service plan. Upon adoption of the resolution, the county, on behalf of public agencies located within the 9-1-1 service district, shall apply in writing to the service supplier or suppliers designated to provide 9-1-1 service within the 9-1-1 service district under the final 9-1-1 service plan.

484.1311. Implementation of service plan; public safety agencies, functioning

Sec. 311. (1) As soon as feasible after receipt of a written application from a county requesting 9-1-1 service within a 9-1-1 service district described in a final 9-1-1 service plan adopted pursuant to this act, each service supplier designated in the final 9-1-1 service plan shall implement 9-1-1 service within the 9-1-1 service district in accordance with the final 9-1-1 service plan.

(2) Upon implementation of 9-1-1 service in a 9-1-1 service district pursuant to subsection (1), each public safety agency designated as a PSAP or secondary PSAP in the final 9-1-1 service plan shall begin to function as a PSAP or secondary PSAP.

484.1312. Amendment of service plan

Sec. 312. After a final 9-1-1 service plan has been adopted pursuant to section 310, a county may amend the final 9-1-1 service plan only by complying with the procedures described in sections 301 to 310. Upon adoption of an amended final 9-1-1 service plan by the county board of commissioners, the county shall forward the amended final 9-1-1 service plan to the service supplier or suppliers designated to provide 9-1-1 service within the 9-1-1 service district as amended. Upon receipt of the amended final 9-1-1 service plan, each designated service supplier shall implement as soon as feasible the amendments to the final 9-1-1 service plan in the 9-1-1 service district as amended.

484.1313. Termination of system

Sec. 313. A 9-1-1 system implemented pursuant to this act shall be terminated only if each public agency, all or part of which was included within the 9-1-1 service district of the final 9-1-1 service plan, withdraws its entire jurisdiction from the 9-1-1 service district pursuant to section 505.

484.1314. Conversion of pay telephones; costs

Sec. 314. (1) At the time that a 9-1-1 system becomes operational or as soon as feasible thereafter, each service supplier or other owner or lessee of a pay station telephone to be operated within the 9-1-1 service district shall do both of the following:

(a) Convert or cause to be converted each such telephone to permit a caller to 9-1-1 without first inserting a coin or paying any other charge.

(b) Prominently display on each such telephone a notice advising callers to dial 9-1-1 in an emergency and that deposit of a coin is not required.

(2) After commencement of 9-1-1 service in a 9-1-1 service district, a person shall not install, cause to be installed, or offer for use within the 9-1-1 district a pay station telephone, whether on public or private premises, unless the telephone is capable of accepting a 9-1-1 call without prior insertion of a coin or payment of any other charge, and displays the notice described in subsection (1).

(3) All costs of a service supplier associated with converting pay station telephones and maintaining the required notices under this section shall be borne by the service users within the 9-1-1 district.

484.1315. Location of pay telephone; display

Sec. 315. If the 9-1-1 system does not provide ALI, each service supplier, owner, or lessee of a pay station telephone shall prominently display on each telephone or telephone pay station the address of the telephone at the time that a 9-1-1 system becomes operational or as soon as feasible thereafter.

484.1316. Customer numbers and addresses provided by service supplier

Sec. 316. (1) Except for a CMRS supplier, a service supplier shall provide to a 9-1-1 database service provider accurate database information, including the name, service address, and telephone number of each user, in a format established and distributed by that database service provider. The information shall be provided to the 9-1-1 database service provider within the following time periods:

(a) Within 1 business day after the initiation of service or the processing of a service order change.

(B) Within 1 business day after receiving the database information from a service supplier or service district.

(2) Except for a CMRS supplier, if an ALI is not offered by the service supplier with the 9-1-1 system and the 9-1-1 system requires that information, a service supplier shall provide current customer telephone numbers and service addresses to each PSAP and secondary PSAP within the 9-1-1 system and shall periodically update customer telephone numbers and service addresses and provide such information to each PSAP and secondary PSAP within the 9-1-1 system. The 9-1-1 service district shall determine the period within which the service supplier shall update customer telephone numbers and service addresses. Expenses incurred in providing this information shall be included in the price of the system. Private listing service customers in a 9-1-1 service district shall waive the privacy afforded by nonlisted and nonpublished numbers to the extent that the name and address associated with the telephone number may be furnished to the 9-1-1 system.

(3) A service district shall notify the service supplier or the database provider within 1 business day of any address that comes to the service district's attention that does not match the master street address guide.

(4) A CMRS supplier shall provide accurate database information for the ANI and the ALI to the 9-1-1 database service provider that complies with the wireless emergency service order.

484.1317. Use of customer information provided by service supplier; violations

Sec. 317. Name, address, and telephone number information provided to a 9-1-1 system by a service supplier shall be used only for the purpose of identifying the telephone location or identity, or both, of a person calling the 9-1-1 emergency telephone number and shall not be used or disclosed by the 9-1-1 system agencies, their agents, or their employees for any other purpose, unless such information is used or disclosed pursuant to a court order. A person who violates this section is guilty of a misdemeanor.

484.1318. Agreements for services of public safety agencies

Sec. 318. A public agency may enter into an agreement with a public safety agency of another public agency, or of the state, to serve as a PSAP or secondary PSAP for such public agency in a 9-1-1 system implemented pursuant to this act.

484.1319. Alternate financing methods; notice, hearings

Sec. 319. A public agency that plans to establish a 9-1-1 system without using the financing method provided by section 401 shall do all of the following:

(a) Provide public notice of its intent to enter into a contract for 9-1-1 services. The public notice shall be provided in the same manner as required under section 308.

(b) Provide public notice of its intent to enter into a contract for 9-1-1 services to the county board of commissioners of the county within which the public agency is located and to all other public agencies that share wire centers with the contracting public agency. The public notice shall be provided in the same manner as required under section 308.

(c) Conduct a public hearing in the same manner as required under section 309.

484.1320. Emergency telephone district board; creation, membership, appropriations, contracts with public agencies; consolidated dispatch, basis

Sec. 320. (1) The county shall create an emergency telephone district board if a county creates a consolidated dispatch within an emergency telephone district after the March 2, 1994.

(2) The membership of the board and the board's powers and duties shall be determined by the county board of commissioners. However, the membership of the board shall include a representative of the county sheriff or his or her designated representative, a representative of the Michigan state police designated by the director of the Michigan State Police, and a firefighter. If the emergency telephone district consists of more than 1 county, the sheriff representative shall be appointed by the president of the Michigan Sheriffs' Association.

(3) A county or other public agency may make appropriations to the emergency telephone district board.

(4) A public agency may contract with the emergency telephone district board, and persons who are both members of the board and of the governing body of the public agency may vote both on the board and the body if approved by the contract.

(5) The basis under which a consolidated dispatch meets the requirement for being a dispatch under section 102(c) shall determine the system to be used in dispatching participating service units.

484.1321. Consolidated dispatch; providing full public safety dispatching services

Sec. 321. A consolidated dispatch shall provide full public safety dispatching services for service requests for the participating sheriff departments, state police, and other participating public safety agencies within the 9-1-1 service district.

CHAPTER IV

484.1401. Billing and collection; computation, limitations, statement on billing, annual accounting; distribution of operational funds

Sec. 401. (1) An emergency telephone district board, a 9-1-1 service district as defined in section 102 and created pursuant to section 201b, or a county on behalf of a 9-1-1 service area created by the county may enter into an agreement with a public agency that does either of the following:

(a) Grants a specific pledge or assignment of a lien on or a security interest in any money received by a 9-1-1 service district for the benefit of qualified obligations.

(b) Provides for payment directly to the public entity issuing qualified obligations of a portion of the emergency telephone operational charge sufficient to pay when due principal of and interest on qualified obligations.

(2) A pledge, assignment, lien, or security interest for the benefit of qualified obligations is valid and binding from the time the qualified obligations are issued without a physical delivery or further act. A pledge, assignment, lien, or security interest is valid and binding and has priority over any other claim against the emergency telephone district board, the 9-1-1 service district, or any other person with or without notice of the pledge, assignment, lien, or security interest.

(3) Except as provided in sections 407 to 412, each service supplier within a 9-1-1 service district shall provide a billing and collection service for an emergency telephone technical charge and emergency telephone operational charge from all service users of the service supplier within the geographical boundaries of the emergency telephone or 9-1-1 service district. The billing and collection of the emergency telephone operational charge and that portion of the technical charge used for billing cost shall begin as soon as feasible after the final 9-1-1 service plan has been approved. The billing and collection of the emergency telephone technical charge not already collected for billing costs shall begin as soon as feasible after installation and operation of the 9-1-1 system. The emergency telephone technical charge and emergency telephone operational charge shall be uniform per each exchange access facility within the 9-1-1 service district. The portion of the emergency telephone technical charge that represents start-up costs, nonrecurring billing, installation, service, and equipment charges of the service supplier, including the costs of updating equipment necessary for conversion to 9-1-1 service, shall be amortized at the prime rate plus 1% over a period not to exceed 10 years and shall be billed and collected from all service users only until those amounts are fully recouped by the service supplier. The prime rate to be used for amortization shall be set before the first assessment of nonrecurring charges and remain at that rate for 5 years, at which time a new rate may be set for the remaining amortization period. Recurring costs and charges included in the emergency telephone technical charge and emergency telephone operational charge shall continue to be billed to the service user.

(4) Except as provided in sections 407 to 412 and subject to the limitation provided by this section, the amount of the emergency telephone technical charge and emergency telephone operational charge to be billed to the service user shall be computed by dividing the total emergency telephone technical charge and emergency telephone operational charge by the number of exchange access facilities within the 9-1-1 service district.

(5) Except as provided in subsection (7) and sections 407 to 412, the amount of emergency telephone technical charge payable monthly by a service user for recurring costs and charges shall not exceed 2% of the lesser of \$20.00 or the highest monthly rate charged by the service supplier for basic local exchange service pursuant to section 304b of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304b, within the 9-1-1 service district. The amount of emergency telephone technical charge payable monthly by a service user for nonrecurring costs and charges shall not exceed 5% of the lesser of \$20.00 or the highest monthly rate charged by the service supplier for basic local exchange service pursuant to section 304b of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304b, within the 9-1-1 service district. With the approval of the county board of commissioners, a county may assess an amount for recurring emergency telephone operational costs and charges that shall not exceed 4% of the lesser of \$20.00 or the highest monthly rate charged by the service supplier for basic local exchange service pursuant to section 304b of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304b, within the geographical boundaries of the assessing county. The percentage to be set for the emergency telephone operational charge shall be established by the county board of commissioners pursuant to section 312. A change to the percentage set for the emergency telephone operational charge may be made only by the county board of commissioners. The difference, if any, between the amount of the emergency telephone technical charge computed under subsection (4) and the maximum permitted under this section shall be paid by the county from funds available to the county or through cooperative arrangements with public agencies within the 9-1-1 service district.

(6) Except as provided in sections 407 to 412, the emergency telephone technical charge and emergency telephone operational charge shall be collected in accordance with the regular billings of the service supplier. The amount collected for emergency telephone operational charge shall be paid by the service supplier to the county that authorized the collection. The emergency telephone technical charge and emergency telephone operational charge payable by service users pursuant to this act shall be added to and shall be stated separately in the billings to service users.

(7) Except as provided in sections 407 to 412, for a 9-1-1 service district created or enhanced after June 27, 1991, the amount of emergency telephone technical charge payable monthly by a service user for

recurring costs and charges shall not exceed 4% of the lesser of \$20.00 or the highest monthly rate charged by the service supplier for basic local exchange service pursuant to section 304b of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304b, within the 9-1-1 service district.

(8) Except as provided in sections 407 to 412, A county may, with the approval of the voters in the county, assess up to 16% of the lesser of \$20.00 or the highest monthly rate charged by the service supplier for basic local exchange service pursuant to section 304b of the Michigan telecommunications act, 1991 PA 179, MCL 484.2304b, within the geographical boundaries of the assessing county or assess a millage or combination of the 2 to cover emergency telephone operational costs. In a ballot question under this subsection, the board of commissioners shall specifically identify how the collected money is to be distributed. An affirmative vote on a ballot question under this subsection shall be considered an amendment to the 9-1-1 service plan pursuant to section 312. Not more than 1 ballot question under this subsection may be submitted to the voters within any 12-month period. An assessment approved under this subsection shall be for a period not greater than 5 years.

(9) The total emergency telephone operational charge as prescribed in subsections (5) and (8) shall not exceed 20% of the lesser of \$20.00 or the highest monthly flat rate charged for basic service by a service supplier for a 1-party access line.

(10) Except as provided in sections 407 to 412, if the voters approve the charge to be assessed on the service user's telephone bill on a ballot question under subsection (8), the service provider's bill shall state the following:

"This amount is for your 9-1-1 service which has been approved by the voters on (DATE OF VOTER APPROVAL). This is not a charge assessed by your telephone carrier. If you have questions concerning your 9-1-1 service, you may call (INCLUDE APPROPRIATE TELEPHONE NUMBER)."

(11) Except as provided in sections 407 to 412, an annual accounting shall be made of the emergency telephone operational charge approved pursuant to this act in the same manner as the annual accounting required by section 405.

(12) Except as otherwise provided in subsection (13), or as provided in sections 407 to 412, the emergency telephone operational charge collected pursuant to this section shall be distributed by the county or the counties to the primary PSAPs by 1 of the following methods:

(a) As provided in the final 9-1-1 service plan.

(b) If distribution is not provided for in the plan, then according to any agreement for distribution between the county and public agencies.

(c) If distribution is not provided in the plan or by agreement, then according to the distribution of access lines within the primary PSAPs.

(13) Except as provided in sections 407 to 412, if a county had multiple emergency telephone districts before the effective date of the amendatory act that added this subsection, then the emergency telephone operational charge collected pursuant to this section shall be distributed in proportion to the amount of access lines within the primary PSAPs.

(14) Except as provided in sections 407 to 412, this section shall not preclude the distribution of funding to secondary PSAPs if the distribution is determined by the primary PSAPs within the emergency telephone district to be the most effective method for dispatching of fire or emergency medical services and the distribution is approved within the final 9-1-1 service plan.

(15) Notwithstanding any other provision of this act, the emergency telephone technical charge and the emergency telephone operational charge shall not be levied or collected after December 31, 2006.

However, if all or a portion of the emergency telephone operational charge has been pledged as security for the payment of qualified obligations, the emergency telephone operational charge shall be levied and collected only to the extent required to pay the qualified obligations or satisfy the pledge.

484.1402. Liability of service users

Sec. 402. Each billed service user shall be liable for any emergency telephone charge imposed on the service user pursuant to this act.

484.1403. Billing; transmittal of funds

Sec. 403. Except as provided in sections 407 to 412, each service supplier shall be solely responsible for the billing for the emergency telephone charge and the transmittal of money collected from the emergency telephone operational charge.

484.1404. Alteration of emergency telephone charge

Sec. 404. After commencement of collection of the emergency telephone charge within a particular 9-1-1 service district, a service supplier providing or designated to provide 9-1-1 service pursuant to this act

shall not alter the emergency telephone charge collected from service users within the 9-1-1 service district pursuant to this act except as follows:

a. As provided in sections 405 and 407 to 412.

(b) Subject to the limitations provided by section 401(4), if additions or withdrawals of PSAPs or secondary PSAPs are made to the 9-1-1 service within a 9-1-1 service district pursuant to this act, the emergency telephone charge shall be increased or decreased in an amount such that the total emergency telephone charges to be collected in such billing period and in each billing period thereafter shall equal the total cost of providing 9-1-1 service within the 9-1-1 service district based on the rates and charges of the service supplier.

(c) Subject to the limitations provided by section 401(4), if a public agency is added to or withdraws from a 9-1-1 service district pursuant to this act, the emergency telephone charge shall be increased or decreased within the jurisdiction of the particular public agency in an amount such that the total emergency telephone charges to be collected in such billing period and in each billing period thereafter shall equal the total cost of providing 9-1-1 service within the modified 9-1-1 service district based on the rates and charges of the service supplier.

484.1405. Annual accounting by service supplier; credits; additional charges

Sec. 405. (1) Except as provided in sections 407 to 412, within 90 days after the first day of the calendar year following the year in which a service supplier commenced collection of the emergency telephone charge pursuant to section 401, and within 90 days after the first day of each calendar year thereafter, a service supplier providing 9-1-1 service pursuant to this act shall make an annual accounting to the 9-1-1 service district of the total emergency telephone charges collected during the immediately preceding calendar year.

(2) If an annual accounting made pursuant to subsection (1) discloses that the total emergency telephone technical charges collected during the immediately preceding calendar year exceeded the total cost of installing and providing 9-1-1 service within the 9-1-1 service district for the immediately preceding calendar year according to the rates and charges of the service supplier, the service supplier shall adjust the emergency telephone technical charge collected from service users in the 9-1-1 service district in an amount computed pursuant to this section. The amount of the adjustment shall be computed by dividing the excess by the number of exchange access facilities within the 9-1-1 service district as the district existed for the billing period immediately following the annual accounting. Costs of the service supplier associated with making the adjustment under this subsection as part of the billing and collection service shall be deducted from the amount to be adjusted.

(3) If the annual accounting discloses that the total emergency telephone charges collected during the calendar year are less than the total cost of installing and providing 9-1-1 service within the 9-1-1 service district for the immediately preceding calendar year according to the costs and rates of the service supplier, the service supplier shall collect an additional charge from service users in the 9-1-1 service district in an amount computed pursuant to this section. Subject to the limitations provided by section 401(4), the amount of the additional charge shall be computed by dividing the amount by which the total cost exceeded the total emergency telephone charges collected during the immediately preceding calendar year by the number of exchange access facilities within the 9-1-1 service district as the district existed for the billing period immediately following the annual accounting.

484.1406. Operational charge funds, use; fund accounting, auditing, etc.; annual audit; increase in funds; recurring emergency telephone operating charges, authorization.

Sec. 406. (1) Except as provided in sections 407 to 412, the emergency telephone operational charge funds collected and expended pursuant to this act shall be used exclusively for the operation of the 9-1-1 system.

(2) Each PSAP or secondary PSAP shall assure that fund accounting, auditing, monitoring, and evaluation procedures are provided. The accounting procedures shall provide for accurate and timely recording of receipt and disbursement of funds by source.

(3) An annual audit shall be conducted by an independent auditor using generally accepted accounting principles and copies of the annual audit shall be made available for public inspection.

(4) An increase in 9-1-1 operational funds shall not be authorized or expended for the next fiscal year unless an annual audit has been performed for the previous fiscal year and expenditures are in compliance with this act. Except as provided in subsection (5), the PSAP shall continue to operate at the same funding level as the previous fiscal year until an audit is performed as required by this section.

(5) The recurring emergency telephone operational charge authorized under section 401 shall not be expended if an audit has not been performed as required by this section within 120 days of the end of the fiscal year.

Sec. 407. (1) The CMRS emergency telephone fund is created within the state treasury to provide money to implement the wireless emergency service order and this act.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. Money may be deposited into the fund by electronic funds transfer. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall establish restricted subaccounts within the fund for each of the categories listed in section 409 (1) (a) to (e).

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department of treasury shall expend money from the fund, upon appropriation, only as provided in this act. The disbursement of money may be by electronic funds transfer.

Sec. 408. (1) Until two years after the effective date of this section, a CMRS supplier or a reseller shall include a service charge of 55 cents per month for each CMRS connection that has a billing address in this state. Beginning two years after the effective date of this section, a CMRS supplier or a reseller shall include a service charge of 52 cents per month for each CMRS connection that has a billing address in this state. The CMRS supplier or reseller shall list the service charge as a separate line item on each bill. The service charge shall be listed on the bill as the "emergency 9-1-1 charge."

(2) Except as provided in this section, the money collected as the service charge under subsection (1) shall be deposited in the CMRS emergency telephone fund created in section 407 not later than 30 days after the end of the quarter in which the service charge was collected.

(3) From each service charge billed under subsection (1), each CMRS supplier or reseller who billed the customer shall retain 1/2 of 1 cent to cover the costs of billing and collection as the only reimbursement from this charge for billing and collection costs.

(4) A CMRS supplier or reseller is not liable for an uncollected service charge billed under subsection (1) for which the CMRS supplier or reseller has billed the CMRS user. If only a partial payment of a bill is received by a CMRS supplier or reseller, the CMRS supplier or reseller shall credit the amount received as follows in priority order:

(a) For services provided.

(b) For the reimbursement under subsection (3).

(c) For the balance of the service charge.

(5) Amounts received under subsection (4) (c) shall be forwarded to the CMRS emergency telephone fund created in section 407. Any uncollected portion of the service charge that is not received shall be billed on subsequent billings and, upon receipt, amounts in excess of the reimbursement under subsection (3) shall be forwarded to the CMRS emergency telephone fund created in section 407. The service charge paid by a CMRS user is not subject to a state or local tax.

(6) A CMRS supplier or reseller shall implement the billing provisions of this section not later than 120 days after the effective date of this section.

Sec. 409. (1) All money collected and deposited in the CMRS emergency telephone fund created in section 407 shall be distributed as follows:

(a) Twenty-five cents of each monthly service charge collected under section 408 shall be disbursed to reimburse CMRS suppliers licensed by the federal communications commission for providing and installing equipment that implements the wireless emergency service order and this act.

(b) Except as provided in subsection (4), 10 cents of each monthly service charge collected under section 408 shall be disbursed equally to each county that has a final 9-1-1 plan in place that includes implementing the wireless emergency service order and this act. Money received by a county under this subdivision shall only be used to implement the wireless emergency service order and this act. Money expended under this subdivision for a purpose considered unnecessary or unreasonable by the committee or the auditor general to implement the wireless emergency service order and this act shall be repaid to the fund.

(c) Except as provided in subsection (4), 15 cents of each monthly service charge collected under section 408 shall be disbursed on a per capita basis to each county that has a final 9-1-1 plan in place that includes implementing the wireless emergency service order and this act. The committee shall certify to the department of treasury annually which counties have a final 9-1-1 plan in place. The most recent

census conducted by the United States census bureau shall be used to determine the population of each county in determining the per capita basis in this subdivision. Money received by a county under this subdivision shall only be used to implement the wireless emergency service order and this act. Money expended under this subdivision for a purpose considered unnecessary or unreasonable by the committee or the auditor general to implement the wireless emergency service order and this act shall be repaid to the fund.

(d) One and one-half cents of each monthly service charge collected under section 408 shall be available to PSAPs for training personnel assigned to 9-1-1 centers. A written request for money from the fund shall be made by a public safety agency or county to the committee. The committee shall semiannually authorize distribution of money from the fund to eligible public safety agencies or counties. A public safety agency or county that receives money under this subdivision shall create, maintain, and make available to the committee upon request a detailed record of expenditures relating to the preparation, administration, and carrying out of activities of its 9-1-1 training program. Money expended by an eligible public safety agency or county for a purpose considered unnecessary or unreasonable by the committee or the auditor general shall be repaid to the fund. Money shall be disbursed to an eligible public safety agency or county for training of PSAP personnel through courses certified by the commission on law enforcement standards only for either of the following purposes:

(i) To provide basic 9-1-1 operations training.

(ii) To provide in-service training to employees engaged in 9-1-1 service.

(e) Until 2 years after the effective date of this section, three cents of each monthly service charge collected under section 408 shall be used by the department of state police to fund priority issues of 9-1-1 coverage. The department of state police shall annually prepare a list of projects in priority order that the department of state police recommends for funding under this subdivision. The legislature shall annually approve these projects by law. If a project provides infrastructure or equipment for use by CMRS suppliers, the department of state police shall charge a reasonable fee for use of the infrastructure or equipment. Fees collected under this subdivision shall be deposited in the fund and used for the purposes of this subdivision.

(2) Money received by a county under subsection (1) (b) and (c) shall be distributed by the county to the primary PSAPs geographically located within the 9-1-1 service district by 1 of the following methods:

(a) As provided in the final 9-1-1 service plan.

(b) If distribution is not provided for in the 9-1-1 service plan under subdivision (a), then according to any agreement for distribution between a county and a public agency.

(c) If distribution is not provided for in the 9-1-1 service plan under subdivision (a) or by agreement between the county and public agency under subdivision (b), then according to the population within the geographic area for which the PSAP serves as primary PSAP.

(d) If a county has multiple emergency telephone districts, money for that county shall be distributed as provided in the final 9-1-1 service plan.

(3) If a county with a final 9-1-1 plan in place does not accept 9-1-1 calls through the direct dispatch method, relay method, or transfer method from a CMRS user, the revenues available to the county under subsection (1) shall be disbursed to the public agency or county responsible for accepting and responding to those calls.

(4) Beginning 1 year after the effective date of this section, a county is not eligible to receive disbursements under subsection (1) (b) or (c) unless the county is in compliance with the wireless emergency service order and this act.

Sec. 410. (1) The committee shall appoint a subcommittee to review expenditures from the CMRS emergency telephone fund created in section 407. The subcommittee shall consist of the member of the committee representing the department of state police provided for in section 712, who shall be the chairperson of the subcommittee, and all of the following:

(a) The member of the committee who represents a commercial mobile radio service as provided for in section 713 (1).

(b) One member of the committee who represents a public safety agency who is not associated with the service supplier industry.

(c) The member of the committee who represents the Michigan association of counties as appointed under section 713 (1).

(d) One member appointed by the chairperson of the committee who represents the commercial mobile radio service industry but who is not a member of the committee.

(2) A majority of the members of the subcommittee created under subsection (1) constitute a quorum for the purpose of conducting business and exercising the powers of the subcommittee. Official action of the subcommittee may be taken upon a vote of a majority of the subcommittee members. The chairperson of the subcommittee shall not have a vote unless the other members of the subcommittee cast a tie vote.

(3) The subcommittee created in subsection (1) shall review invoices submitted by CMRS suppliers for reimbursement from the CMRS emergency telephone fund created in section 407 in accordance with the wireless emergency service order and this act and shall make recommendations to the committee regarding approval or disapproval of payment on the invoice. The subcommittee may recommend to the committee approval of payment of an expense of a CMRS supplier before the expense is incurred. Before review by the subcommittee, the staff assigned by the department of state police to assist the committee, as provided for under section 714, shall remove all information that identifies the CMRS supplier submitting the invoice. The subcommittee shall review the validity of the invoices and recommend approval or disapproval to the committee. Upon receipt of recommendations from the subcommittee, the committee shall review and approve or disapprove the invoices and authorize payment of approved invoices.

(4) An invoice shall not be approved for payment of either of the following:

(a) An expense that is not related to complying with the wireless emergency service order and this act.

(b) An expense that exceeds 125% of the CMRS emergency telephone charges submitted by a CMRS supplier unless the expense was recommended for approval by the subcommittee created in subsection (1) before the expense was incurred.

(5) Notwithstanding section 716, specific information submitted by a CMRS supplier under this section is exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released by the chairperson or any member of the committee or their staff without the permission of the CMRS supplier that submitted the information. However, information submitted by CMRS suppliers under this section may be released in the aggregate if the number of CMRS users or the expenses and revenues of a CMRS supplier cannot be identified.

Sec. 411. (1) A CMRS supplier may use money received from the CMRS emergency telephone fund created in section 407 for monthly recurring costs, start-up costs, and nonrecurring costs associated with installation, service, software, and hardware necessary to comply with the wireless emergency service order and this act.

(2) If the total amount from the invoices approved for payment under section 410 exceeds the amount remaining in the CMRS emergency telephone fund created in section 407 in any quarter, all CMRS suppliers that have submitted invoices and that are approved by the committee to receive payment shall receive a pro rata share of the money in the fund that is available in that quarter. Any unpaid balance shall be carried over to the following quarter until all of the approved payments are made.

Sec. 412. (1) The committee shall conduct and complete a cost study and make a report on the service charge required in section 408 not later than April 30, 2000, and August 30 annually after 2000. The report of the study shall include at a minimum all of the following:

(a) The extent of emergency telephone service implementation in this state by CMRS suppliers under the wireless emergency service order and this act.

(b) The actual costs incurred by PSAPs and CMRS suppliers in complying with the wireless emergency service order and this act.

(c) The service charge required in section 408 and a recommendation to change the service charge amount if needed to fund the costs of meeting the time frames in the wireless emergency service order and this act.

(d) A description of any commercial applications developed as a result of implementing this act.

(e) A detailed record of expenditures by each county relating to the implementation of the wireless emergency service order and this act.

(2) The committee shall deliver the report of the study prepared under subsection (1) to the secretary of the senate, the clerk of the house of representatives, and the standing committees of the senate and house of representatives having jurisdiction over issues pertaining to telecommunication technology.

Enacting section 1. Section 408 of the emergency telephone service enabling act, 1986 PA 32, MCL 484.1408, as added by this amendatory act, is repealed effective January 1, 2004.

Chapter V

484.1501. Addition of public safety answering points

Sec. 501. (1) After installation and commencement of operation of a 9-1-1 system implemented pursuant to this act, a public safety agency serving a public agency or county within the 9-1-1 service district may be added to the 9-1-1 system as a PSAP or a secondary PSAP by giving written notice of intent to function as a PSAP or secondary PSAP as provided in section 307 to the county clerk. Within 5 days of receipt of the notice, the county clerk shall forward the written notice to the service supplier. The public safety agency shall commence to function as a PSAP or secondary PSAP as soon as feasible after giving the written notice.

(2) The costs of equipment installation or system modification, or both, necessary for a public safety agency to function as a secondary PSAP pursuant to subsection (1) shall be paid directly by the public safety agency and shall not be collected from service users in the 9-1-1 service district.

484.1502. Termination of public safety answering points

Sec. 502. (1) After installation and commencement of operation of a 9-1-1 system implemented pursuant to this act, a public safety agency serving a public agency or county within the 9-1-1 service district shall cease to function as a PSAP or a secondary PSAP 60 days after giving written notice thereof to the county clerk. Within 5 days after receipt of the notice, the county clerk shall forward the written notice to the service supplier.

(2) Notwithstanding any provision of this act to the contrary, any costs incurred by a service supplier for equipment removal or system modification necessary for a public safety agency to cease functioning as a PSAP or secondary PSAP pursuant to subsection (1) shall be paid directly by the public safety agency and shall not be collected from service users in the 9-1-1 service district.

484.1503. Addition of public agencies to service districts

Sec. 503. After installation and commencement of operation of a 9-1-1 system implemented pursuant to this act, all or part of the jurisdiction of a public agency within the county shall be added to the 9-1-1 service district pursuant to section 504 if both of the following occur:

(a) The legislative body of the public agency adopts a resolution including all or part of the public agency within the 9-1-1 service district.

(b) A certified copy of the resolution adopted by the legislative body of the public agency is forwarded by certified mail, return receipt requested, to the county clerk.

484.1504. Notice to service supplier of added public agency; commencement of service.

Sec. 504. Within 5 days after receipt of a certified copy of a resolution adopted by a public agency pursuant to section 503, the county clerk shall forward the certified copy of the resolution to the service supplier by certified mail, return receipt requested. Within a reasonable time after the service supplier receives the certified copy of the resolution, the service supplier shall commence 9-1-1 service to all or part of the jurisdiction of the public agency, as the case may be, and after commencement of such service shall commence the collection of the emergency telephone charge, in accordance with this act, from service users within all or part of the jurisdiction of the public agency added to the 9-1-1 service district.

484.1505. Withdrawal of public agencies from service districts; conditions

Sec. 505. (1) After installation and commencement of operation of a 9-1-1 system implemented pursuant to this act, a public agency all or part of which is included within a 9-1-1 service district may withdraw all or part of its jurisdiction from a 9-1-1 service district effective January 1 of the following year if all of the following occur:

(a) The public agency, after giving notice required in subdivisions (b) and (c), conducts a public hearing on the withdrawal at which all persons attending are afforded a reasonable opportunity to be heard.

(b) Written notice of the time, date, and place of the public hearing conducted by the public agency is given to the county clerk and the clerk of each public agency within the 9-1-1 service district, at least 30 days prior to the date of the hearing.

(c) Notice of the time, date, place, and purpose of the public hearing is published twice in a newspaper of general circulation within the public agency, the first publication of the notice occurring at least 30 days prior to the date of the hearing.

(d) After the public hearing on withdrawal but prior to 90 days before the end of the calendar year, the legislative body of the public agency adopts a resolution withdrawing all or part of the area of the public agency from the 9-1-1 service district. Such resolution shall describe the area of the public agency withdrawing from the 9-1-1 service district. The resolution shall also state the emergency telephone

number to be used within the jurisdiction of the public agency following withdrawal from the 9-1-1 service district.

(e) Within 5 days after adoption of the resolution by the legislative body of the public agency, the clerk or other appropriate official of the public agency shall forward such resolution by certified mail, return receipt requested, to the county clerk. Within 5 days of receipt of a certified copy of the resolution adopted pursuant to this section, the county clerk shall forward such resolution by certified mail, return receipt requested, to the service suppliers providing or designated to provide 9-1-1 service to the area of the public agency withdrawing from the 9-1-1 service district.

(2) A public service agency may not withdraw any part of its jurisdiction from a 9-1-1 service district until all outstanding qualified obligations secured by emergency telephone operational charges incurred after the time of the addition of the public service agency to the 9-1-1 service area agreed to by the withdrawing public service agency and the remaining public service agencies comprising the 9-1-1 service district are paid or other provisions are made to pay the qualified obligations.

484.1506. Termination of service; charges

Sec. 506. Subject to the service limitations of the service supplier, a service supplier shall cease 9-1-1 service in the area of a public agency withdrawing from the 9-1-1 service district on the first day of the calendar year following the year in which the service supplier received a copy of the resolution adopted pursuant to section 505. The service supplier shall continue to collect the emergency telephone charge from all service users who continue to have 9-1-1 service, but the service supplier shall not collect the emergency telephone charge from service users within the area of the public agency withdrawing from the 9-1-1 service district who do not continue to have 9-1-1 service after the billing period in which the first day of the calendar year is included. The service supplier, using the calculations provided in section 405, shall credit or collect any additional charge from service users within the public agency withdrawing from the 9-1-1 service district.

484.1507. Contract of public agency or county with service supplier; payment from agency or county funds

Sec. 507. This act shall not be construed to prohibit a public agency or a county from contracting with a service supplier for 9-1-1 service within all or part of the jurisdiction of the public agency or county and paying for such service directly from the funds of the public agency or county.

Chapter VI

484.1601.

Sec. 601. (1) Except for a commercial mobile radio service, the public service commission, and the emergency telephone service committee created in section 712, upon request by a service supplier, county, public agency, or public service agency, shall provide, to the extent possible, technical assistance regarding the formulation or implementation, or both, of a 9-1-1 service plan and assistance in resolving a dispute between or among a service supplier, county, public agency, or public safety agency regarding their respective rights and duties under this act.

(2) Except for a commercial mobile radio service supplier, a service supplier, county, public agency, public service agency, or a combination of those entities that has a dispute with another arising from the formulation or implementation, or both, of a 9-1-1 service plan shall request assistance from the public service commission, and the emergency telephone service committee in resolving the dispute.

(3) Upon the request of a CMRS supplier, county, public agency, or public service agency, the emergency telephone service committee shall, to the extent possible, provide technical assistance in formulating and implementing a 9-1-1 service plan. The emergency telephone service committee shall also provide assistance in resolving a dispute between or among a CMRS supplier, county, public agency, or public service agency regarding their respective rights and duties under this act.

(4) A CMRS supplier, county, public agency, or public service agency or a combination of those entities that has a dispute with another of those entities, arising from the formulation or implementation, or both, of a 9-1-1 service plan, shall request assistance from the emergency telephone service committee appointed pursuant to section 410 in resolving the dispute.

484.1602. Contested cases

Sec. 602. Except for commercial mobile radio service, a dispute between or among 1 or more service suppliers, counties, public agencies, public service agencies, or any combination of those entities regarding their respective rights and duties under this act shall be heard as a contested case before the

public service commission as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

484.1604. Civil liability

Sec. 604. Except for pro rata charges for the service during a period when the service may be fully or partially inoperative, a service supplier, public agency, PSAP, or an officer, agent, or employee of any service supplier, public agency, or PSAP, or an owner or lessee of a pay station telephone shall not be liable for civil damages to any person as a result of an act or omission on the part of the service supplier, public agency, PSAP, or an officer, agent, or employee of any service supplier, public agency, or PSAP, or an owner or lessee in complying with any provision of this act, unless the act or omission amounts to a criminal act or to gross negligence or willful and wanton misconduct.

Sec. 605. (1) A person shall not use an emergency telephone service or an emergency CMRS authorized by this act for any reason other than to call for an emergency response service from a primary public safety answering point.

(2) A person who knowingly uses or attempts to use an emergency telephone service for a purpose other than authorized in subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(3) A person who violates subsection (2) and has 1 or more prior convictions under this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(4) This section does not apply to a person who calls a public safety answering point to report a crime or seek assistance that is not an emergency unless the call is repeated after the person is told to call a different number.

Enacting section 2. This amendatory act takes effect 120 days after the date this amendatory act is enacted.

Enacting section 3. This amendatory act shall not be construed to affect any cause of action pending in any court of this state before the effective date of this enacting section.

Chapter VII

(Sections 701 through 707 repealed effective 12/31/98)

Sec. 711. As used in this chapter, "committee" means the emergency telephone service committee created in section 712.

Sec. 712. An emergency telephone service committee is created within the department of state police to develop statewide standards and model system considerations and make other recommendations for emergency telephone services.

Sec. 713. (1) The committee shall consist of 21 members as follows:

(a) The director of the department of state police or his or her designated representative.

(b) The director of the department of consumer and industry services or his or her designated representative.

(c) The chair of the Michigan public service commission or his or her designated representative.

(d) The president of the Michigan sheriffs' association or his or her designated representative.

(e) The president of the Michigan association of chiefs of police or his or her designated representative.

(f) The president of the Michigan fire chiefs association or his or her designated representative.

(g) The executive director of the Michigan association of counties or his or her designated representative.

(h) The executive director of the deputy sheriffs association of Michigan or his or her designated representative.

(i) Three members of the general public, 1 member to be appointed by the governor, 1 member to be appointed by the speaker of the house of representatives, and 1 member to be appointed by the majority leader of the senate. The 3 members of the general public shall have expertise relating to telephone systems, rural health care concerns, or emergency radio communications, dispatching, and services. The members of the general public shall serve for terms of 2 years.

(j) The executive director of the Michigan fraternal order of police or his or her designated representative.

(k) The president of the Michigan state police troopers association or his or her designated representative.

(l) The president of the Michigan chapter of the associated public safety communications officers or his or her designated representative.

(m) The president of the Michigan chapter of the national emergency number association or his or her designated representative.

- (n) The president of the telecommunications association of Michigan or his or her designated representative.
 - (o) The executive director of the Upper Peninsula emergency medical services corporation or his or her designated representative.
 - (p) The executive director of the Michigan association of ambulance services or his or her designated representative.
 - (q) The president of the Michigan state firefighters union or his or her designated representative.
 - (r) The president of the Michigan communications directors association of his or her designated representative.
 - (s) One representative of commercial mobile radio service, to be appointed by the governor.
- (2) A majority of the members of the committee constitute a quorum for the purpose of conducting business and exercising the powers of the committee. Official action of the committee may be taken upon a vote of a majority of the members of the committee.
- (3) The committee shall elect 1 of its members who is not a member of the wireline or commercial mobile radio service industry to serve as chairperson. The chairperson of the committee shall serve for a term of 1 year.
- (4) The committee may adopt, amend, and rescind bylaws, rules, and regulations for the conduct of its business.
- (5) Members of the committee shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties under this chapter.
- Sec. 714. (1) The committee shall do all of the following:
- (a) Organize and adopt standards governing the committee's formal and informal procedures.
 - (b) Meet not less than 4 times per year at a place and time specified by the chairperson.
 - (c) Keep a record of the proceedings and activities of the committee.
 - (d) Provide recommendations to public safety answering points and secondary public safety answering points on statewide technical and operational standards for PSAPs and secondary PSAPs.
 - (e) Provide recommendations to public agencies concerning model systems to be considered in preparing a 9-1-1 service plan.
 - (f) Perform other duties as necessary to promote successful development, implementation, and operation of 9-1-1 systems across the state.
- (2) The department of state police and the public service commission shall provide staff assistance to the committee as necessary to carry out the committee's duties under this section.
- Sec. 715. The business which the committee may perform shall be conducted at a public meeting of the committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- Sec. 716. Subject to section 410(5), a writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- Sec. 717. This act is repealed effective December 31, 2006.